

**REMARKS**

Claims 1-85 are currently pending in the subject application and are presently under consideration.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 23-26 and 34-39 Under 35 U.S.C. §102(b)**

Claims 23-26 and 34-39 stand rejected under 35 U.S.C. §102(b) as being anticipated by Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Losee does not teach each and every element of the subject invention as recited in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc., v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 U.S.P.Q.2D 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention relates to providing controls and displays for acquiring user preferences for a system and method to automatically classify, prioritize, and present information to a user or system in a preferred format, location, and time. The applicants' claimed invention can assign a priority to a message based upon the communication channel from which the message arrived. For example, all messages received at e-mail are assigned priority A and all messages received at a cell phone are assigned priority B. In particular, independent claim 23 recites *generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received*. Losee does not teach or suggest the aforementioned novel aspects of applicants' invention as recited in the subject claim. Losee teaches a system for ranking messages that determines the expected cost of not selecting a message for review. Losee teaches that the cost

of rejecting a message is based on the cost of non-review for given a relevance class(priority). The cited art is silent regarding assigning priority based upon the communication channel from which the message was received. Therefore, Losee fails to teach or suggest generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received.

Accordingly, applicants' representative respectfully submits that Losee fails to teach or suggest all limitations of applicants' invention as recited in independent claim 23 (and claims 24-26 and 34-39 that depend there from), and thus fails to anticipate the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

## **II. Rejection of Claims 1-10 and 40 Under 35 U.S.C. §103(a)**

Claims 1-10 and 40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1), Anderlind *et al.*, (US 6,781,972 B1), Wright *et al.*, (US 6,078,568 A), and Cooper *et al.*, (US 6,757,362 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, Anderlind *et al.*, Wright *et al.*, and Cooper *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Independent claim 1 recites *one or more inputs associated with the display objects to facilitate adaptation of the user interface to one or more preferences of a user, the one or more*

*inputs includes at least one or more user preferences for assigning a priority value to a voice message based at least in part on one or more acoustical properties of the voice message, wherein the one or more acoustical properties include at least one of temporal rate pattern, pitch, inflection, or overall energy associated with the voice message, and wherein a higher value for the one or more acoustical property results in a higher assigned priority.* Applicants' claimed invention can examine acoustical properties of the voice message, such as pitch, rate, inflections, etc. in making a determination of the priority to assign to the message. As conceded in the Office Action, Smith *et al.* fails to teach assigning a priority value based on acoustical properties of the voice message. Contrary to assertions in the Office Action, Badt *et al.* also fails to teach or suggest this novel feature. The section of prior art cited states that voice recognition is used to identify the caller. The system then determines where in the hierarchical organization the caller is positioned. The priority is then assigned based on the caller's level within the organization. Badt *et al.* does not disclose that the priority is based on at least one of temporal rate pattern, pitch, inflection, or overall energy associated with the voice message, and wherein a ***higher value for the one or more acoustical property results in a higher assigned priority.*** The cited reference does not directly tie the priority to a particular acoustic property as taught in the subject claim. Furthermore, Anderlind *et al.* Wright *et al.*, and Cooper *et al.* are silent regarding employing acoustical properties of voice messages to assign priority. Anderlind *et al.* teaches a system and method creating profiles to control delivery of messages to a mobile communications device. Anderlind *et al.* teaches controlling of message priority, however, Anderlind *et al.* fails to teach or suggest that priority for a voice message is based upon the acoustical properties of a voice message. Wright, *et al.* teaches a system for managing data packets on a communication network and does not discuss assignment of message priority. Cooper, *et al.* teaches a system for inputting and receiving information such as e-mail and news by speech. Cooper, *et al.* teaches analysis of acoustical properties of the speech of a user that is retrieving messages for the purpose of identifying the emotional state of the user, so that adjustments can be made in the system voice prompts to be more in line with the user's emotional state. Cooper, *et al.* does not teach or suggest analyzing acoustical properties of messages that the user is receiving or sending. Additionally, Cooper, *et al.* does not teach or suggest a system for assigning priorities to messages and therefore also fails to teach or suggest using an acoustical analysis to assign

priorities to voice messages. There is no suggestion in any of the cited art for assignment of priority based on a specific acoustical property of a voice message.

Moreover, independent claim 40 recites *means for configuring the graphical displays according to one or more user preferences associated with the priority and delivery of the one or more messages, the one or more user preferences includes one or more deferral policies that are given as bounds such that a message of a particular priority will not wait more than a predetermined amount of time before being displayed to a user*. Smith *et al.*, Badt *et al.*, Anderlind *et al.* Wright *et al.*, and Cooper *et al.* are all silent regarding an override mechanism as taught in the subject claims that prevents messages with certain priorities (such as a low priority) from not being presented to a user within a reasonable amount of time.

In view of the foregoing, applicants' representative respectfully submits that Smith *et al.*, Badt *et al.*, Anderlind *et al.* Wright *et al.*, and Cooper *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claims 1 and 40 (and claims 2-10 that depend there from), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

### **III. Rejection of Claims 1 and 11 Under 35 U.S.C. §103(a)**

Claims 1 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1) and Matthew Marx (CLUES: Dynamic Personalized Message Filtering), hereinafter referred as Marx. It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Marx, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As noted *supra*, Smith, *et al.* and Badt *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Marx fails to make up for the aforementioned deficiencies of Smith, *et al.* and Badt *et al.* Marx teaches a prioritization system for e-mail and phone calls based on rules that are automatically generated by the system. However, Marx fails to teach or suggest that priority for a voice message is based upon a specific acoustical property of a voice message.

Accordingly, applicants' representative respectfully submits that Smith, *et al.*, Badt *et al.* and Marx, alone or in combination, fail to teach or suggest all limitations of applicants' invention

as recited in independent claim 1 (and claim 11 that depends there from). Therefore, it is readily apparent that this rejection should be withdrawn.

**IV. Rejection of Claims 1, 12, 13 and 19-22 Under 35 U.S.C. §103(a)**

Claims 1, 12, 13 and 19-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1), Eggleston *et al.* (US 6,101,531 A), and Wright *et al.*, (US 6,078,568 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Eggleston *et al.* and Wright *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As discussed above, Smith, *et al.*, Badt *et al.*, and Wright *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Eggleston *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.*, Badt *et al.*, and Wright *et al.* Eggleston, *et al.* teaches a system and method for prioritizing e-mail to be downloaded from a server to a local machine. However, Eggleston, *et al.* is strictly concerned with e-mail and therefore fails to teach or suggest that priority for a voice message is based upon a specific acoustical property of a voice message.

Accordingly, applicants' representative respectfully submits that Smith *et al.*, Badt *et al.*, and Eggleston *et al.* and Wright *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claim 12, 13, and 19-22 that depend there from). Therefore, it is readily apparent that this rejection should be withdrawn.

**V. Rejection of Claims 1 and 14 Under 35 U.S.C. §103(a)**

Claims 1 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1) and Jonathan Isaac Helfman *et al.* (Ishmail: Immediate Identification of Important Information). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Helfman *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As noted *supra*, Smith, *et al.* and Badt *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Helfman *et al.* fails to make up for the aforementioned deficiencies of Smith, *et al.* and

Badt *et al.* Helfman, *et al.* teaches a prioritization system for e-mail based upon keyword based filter rules. However, Helfman, *et al.* is also strictly concerned with e-mail and therefore fails to teach or suggest that priority for a voice message is based upon a acoustical property of a voice message.

Accordingly, applicants' representative respectfully submits that Smith, *et al.*, Badt *et al.* and Helfman *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claim 14 that depends there from). Therefore, it is readily apparent that this rejection should be withdrawn.

**VI. Rejection of Claims 1 and 15-18 Under 35 U.S.C. §103(a)**

Claims 1 and 15-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Smith, *et al.*, (US 6,463,462 B1) in view of Badt *et al.*, (US 6,542,868 B1) and Jonathan Isaac Abu-Hakima (US 6,499,021 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Smith *et al.*, Badt *et al.*, and Abu-Hakima, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention. As discussed above, Smith, *et al.* and Badt *et al.* do not teach or suggest each and every element of the subject invention as recited in independent claim 1, and Abu-Hakima fails to make up for the aforementioned deficiencies of Smith, *et al.* and Badt *et al.* Abu-Hakima teaches a system prioritizing messages from various sources, such as e-mail, fax, phone, etc. based on attributes of the message and then forwarding messages to a user based on the priority. However, Abu-Hakima fails to teach or suggest that one of those attributes is the acoustical properties of a voice message. Therefore, Abu-Hakima fails to teach or suggest wherein a voice message is assigned a priority based at least in part on a specific acoustical property of the voice message.

Accordingly, applicants' representative respectfully submits that Smith, *et al.*, Badt *et al.* and Abu-Hakima, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 1 (and claims 15-18 that depend there from). Therefore, it is readily apparent that this rejection should be withdrawn.

**VII. Rejection of Claims 27-33 Under 35 U.S.C. §103(a)**

Claims 27-33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Robert M. Losee, Jr. (Minimizing Information Overload: The Ranking of Electronic Messages) as applied to claim 23 above, and further in view of Eggleston *et al.* (US 6,101,531 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Losee in further view of Eggleston fails to teach or suggest each and every limitation of applicants' claimed invention.

The subject claims depend from independent claim 23. As noted *supra*, Losee does not teach or suggest each and every element of the subject invention as recited in independent claim 23, and Eggleston fails to make up for the aforementioned deficiencies of Losee. The cited reference discloses a system for applying filters to data that is transferred between a host server and a wireless client device. Eggleston, *et al.* is silent regarding assigning priorities to messages, and therefore fails to teach or suggest *generating a priority associated with a message, wherein the message is assigned a predetermined priority associated with a communication channel from which the message is received.*

Accordingly, applicants' representative respectfully submits that Losee and Eggleston, *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 23 (and claims 27-33 which depend therefrom). Therefore, it is readily apparent that this rejection should be withdrawn.

**VIII. Rejection of Claims 41-54 Under 35 U.S.C. §103(a)**

Claims 41-54 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Juha Takkinen (CAFE: A Conceptual Model for Managing Information in Electronic Mail) in view of Badt *et al.*, (US 6,542,868 B1) and Jonathan Isaac Abu-Hakima (US 6,499,021 B1). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Takkinen, Badt *et al.*, and Abu-Hakima, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 41 recites *assigning priority values to one or more messages, wherein a voice message is assigned a priority value based at least in part on acoustical properties of the voice message, wherein the acoustical property include at least one of temporal rate pattern, pitch, inflection, or overall energy associated with the voice message, and wherein a higher*

*value for the acoustical property results in a higher assigned priority.* As discussed above with respect to the similar limitation of independent claim 1, Abu-Hakima and Badt *et al.* do not teach or suggest assigning a priority value based on a specific acoustical properties of the voice message, and Takkinen fails to make up for this deficiency of Abu-Hakima and Badt *et al.* Takkinen teaches a categorization system for e-mail that has three user modes of operation employing three different categorization techniques based upon how busy the user indicates they are currently. However, Takkinen is strictly concerned with e-mail and therefore fails to teach or suggest that the categorization techniques take into account acoustical properties of voice messages in determining a priority.

Accordingly, applicants' representative respectfully submits that Takkinen, Badt *et al.*, and Abu-Hakima, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claim 41 (and claims 42-51 that depend there from), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn.

#### **IX. Rejection of Claims 55-85 Under 35 U.S.C. §103(a)**

Claims 55-85 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jonathan Isaac Abu-Hakima (US 6,499,021 B1) in view of Badt *et al.*, (US 6,542,868 B1), Wright *et al.*, (US 6,078,568 A), and Eggleston, *et al.* (US 6,101,531 A). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Abu-Hakima, Badt *et al.*, Wright *et al.*, and Eggleston, *et al.*, alone or in combination, fail to teach or suggest each and every limitation of applicants' claimed invention.

Independent claim 55 recites *one or more controls and displays to at least one of acquire user preferences, inspect behavior, and guide learning and decision policies of the adaptive prioritization and routing system, wherein the user preferences includes a user defined amount of time of inactivity of a message retrieval device, wherein the user defined amount of time of inactivity of the message retrieval device is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded.* Abu-Hakima, Badt *et al.*, Wright *et al.*, and Eggleston, *et al.*, are all silent regarding a user defined amount of time of inactivity of the message retrieval device that is a threshold where messages are held back from delivery to the message retrieval device when the threshold is exceeded.



Independent claim 78 recites *one or more controls and displays to acquire **message priority settings** associated with the adaptive prioritization and routing system; and a user interface associated with the one or more controls and displays that provides an adjustable control of an amount of messages received via the message priority settings and a feedback directed to the user relating to the settings, **the feedback includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings.*** The feedback allows a user to get an estimate of how many messages the user will receive within a specific time interval based upon the priority settings. The priority settings or adjustable control can be modified to change the number of messages that will be received within the specified amount of time. The Office Action asserts that Abu-Hakima discloses this feature. Contrary to this assertion, the sections of the reference cited fail to teach this novel feature of the subject claim. For example, column 7, lines 25-64 merely discloses the formula used to determine the urgency for a message. Column 9, lines 15-39, discloses a feature that allows a user to request an explanation for why an agent took a particular action with a message. Column 11, lines 19-25 provides for displaying back to a user a newly learned contact, project, or organization. However, none of the cited sections of Abu-Hakima disclose feedback directed to the user that includes a quantity indicating the number of messages that would have been transmitted to a user within a specified bound in time based upon the priority settings. Badt *et al.*, Wright *et al.*, and Eggleston, *et al.* are also silent regarding this novel feature.

Accordingly, applicants' representative respectfully submits that Abu-Hakima, Badt *et al.*, Wright *et al.*, and Eggleston, *et al.*, alone or in combination, fail to teach or suggest all limitations of applicants' invention as recited in independent claims 55 and 78 (and claims 56-77, and 79-85 that depend therefrom), and thus fails to make obvious the subject claimed invention. Therefore, it is readily apparent that this rejection should be withdrawn

**CONCLUSION**

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP225USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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